***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.9883 of 2006**

**Dated:22.01.2007**

Between:

Dr.R.Sudha.

...Petitioner.

and

The State of Andhra Pradesh and others.

...Respondents

***THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.9883 of 2006**

**ORDER:**

The petitioner is a student of Postgraduate Medical Courses in N.T.R. University of Health Sciences, the 3rd respondent herein. She filed this writ petition praying, four facets of reliefs, namely, for revaluation of answer scripts for the examination held in November, 2005; for a direction to the University to draft the examiners for postgraduate examination for M.D. (Forensic Medicine) Course strictly in accordance with the relevant regulations of the year 2000; for a direction not to post respondents 6 to 8 herein as her examiners, and for a direction to take appropriate disciplinary action against respondents 6 to 8.

Petitioner states that she has been working as tutor in the Gandhi Medical College ever since 1991 and was admitted to M.D. (Forensic Medicine) Course, as in-service candidate. According to her, she is working in Osmania Medical College since August, 2005. She states that the University did not follow the relevant regulations in the matter of choosing the

examiners and according to her information, the external examiners by name, Dr.G.Surender Reddy, Dr.P.Hari Krishna and Dr.M.Narayan Reddy (respondents 6 to 8), who acted as external examiners for her, did not have the requisite qualification. Another facet of her compliant is that respondents 6 to 8 have harassed her in several ways and are liable to be punished, after initiation of disciplinary proceedings. She had made reference to various representations made to the Vice-Chancellor of the University, Hon'ble the Chief Justice of High Court and the Mahila Commission, etc.

The Principal of the Gandhi Medical College, the 5th respondent herein, filed a counter-affidavit denying the allegations of the petitioner. He stated that there is no provision for revaluation of the answer scripts for postgraduate medical sciences. According to him, the complaints made by the petitioner were got enquired through an enquiry officer and the report submitted in the enquiry revealed that the allegations of the petitioner are not true. The enquiry officer is said to have reported that it is the petitioner, who is using filthy and abusive language against seniors.

Respondents 6 to 8 have filed separate counter-affidavit denying the allegations made by the petitioner. It is stated that they have ever acted as examiners, and in fact, they have offered not to be associated with any examination taken by the petitioner.

Heard Sri B.Nalin Kumar, learned counsel for the petitioner, learned Government Pleader for Medical, Health and Family Welfare for respondents 1, 4 and 5, Sri S.Nageswara Reddy for R.2, Sri D.V.Nagarjuna Babu, learned Standing Counsel for R.3, Sri S.Satyam Reddy for R.6,

Smt.A.Chaya Devi for R.7 and Sri S.Niranjan Reddy for R.8.

The grievance of the petitioner is mainly as regards her failure in the examination conducted in November, 2005. It is not in dispute that there is no provision for revaluation of the answer scripts. According to the petitioner, the external examiners, who evaluated the answer scripts, did not hold the requisite qualification. She did not choose to implead them as parties. Before an examiner is held to be disqualified, it is fundamental that he must be heard. At any rate, there is no provision of revaluation.

On account of a subsequent development, the grievance of the petitioner as regards examination held in November, 2005, virtually stands redressed, in pursuance of a direction issued by this Court on 22.12.2006, from Kakatiya University to dispel the apprehension of the petitioner. The result thereof is awaited.

So far as the direction sought for by the petitioner to initiate disciplinary proceedings against respondents 6 to 8 is concerned, this Court is of the view that it is totally untenable. It is not for the petitioner to seek initiation of disciplinary proceedings. The allegation made by her against respondents 6 to 8 is as vague as it could be. Unless any specific instance is alleged, harassment complained of to any competent authority and a finding is recorded to the effect that the persons name therein is guilty of the charges, the question of initiation of disciplinary proceedings, does not arise. In fact, the college and the university got enquired some of the complaints made by the petitioner, and it ultimately, emerged that the allegations were not true. At any rate, the petitioner has to work out her remedies, if there existed any actual instance of harassment to her.

Therefore, the writ petition is disposed of, directing that the

3rd respondent-University shall take into account, the out come of the examination in which the petitioner appeared, in pursuance of the direction issued by this Court on 22.12.2006. There shall be no order as to costs.

**Dt.22.01.2007** **L.NARASIMHA REDDY, J**

GJ